

The Honorable Martin Glenn
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, New York 10004

October 29, 2014

RE: Case No: 12-12020(MG) Chapter 11

Subject: The ResCap Trust's Failure to Give Notice to Claimant

Dear Judge Glenn,

The ResCap Borrower Claims Trust filed an Objection to my Proof of Claims (ECF Doc. # 7188) and I timely filed an Opposition to the Objection (ECF Doc. # 7300). The ResCap Trust then filed a Reply (ECF Doc. # 7410). The Court heard limited oral argument on the Objection on August 26, 2014 and took the matter under submission.

Over a month after the hearing was held, I discovered the Court's Memorandum Order and Opinion regarding my claims posted on the KCCL RESCAP website. Although, I have had limited experience in federal court, state court and the appellate court, I am not familiar with the bankruptcy court's procedures. In my limited experience, the moving party almost always gave notice of the court's decision on a matter, unless the parties waived noticed.

After reading the Court's Order, I researched and decided to file a motion for reconsideration. Motions for reconsideration are reviewed under ***Federal Rule of Civil Procedure 59***, which is made applicable to bankruptcy proceedings pursuant to ***Federal Rule of Bankruptcy Procedure 9023***. In relevant part, Rule 59 allows a party to seek an order altering or amending a judgment within **28 days** of the issuance of the judgment. See ***Fed. R. Civ. P. 59(e)***.

I am writing to inform the Court of the ResCap Trust's failure to give me notice of the Court's Order and Opinion. I discovered the Order and Opinion by searching the KCCL RESCAP website. As of today's date, I still have neither received notice nor does the website reflect an "**Affidavit of Service of Richie Lim re: Memorandum Opinion and Order Sustaining in Part and Overruling in Part Objection to Claims 3889, 4129, 4134, and 4139 Filed by Tia Smith**" being posted.

I understand it is a parties' responsibility to do due diligence concerning their interests, however, this is the largest bankruptcy case in the history of the United States, with over 7700 filings. I am a *pro se* Claimant, and it is quite unfair to expect *pro se* Claimant's to navigate in unfamiliar territory without any guidance. The ResCap Trust continues in their misdeeds and should be monitored and held accountable for their misconduct during this bankruptcy action.

Thank God I discovered the Court's Order and Opinion in enough time to file a timely motion for reconsideration. I suspect that is the goal of the Debtors and the ResCap Trust, to unfairly derail all *pro se* Claimants and create a disadvantage for meritorious claims.

I hold and trust that this Court will investigate this matter in hope of establishing and facilitating a fair environment for all *pro se* Claimants in order to seek relief in an equitable arena.

Respectfully,

Tia Smith, Claimant
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